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10/595,163	03/13/2006	Yuichi Yokoyama	KC-US030570	3666
22919	7590	66/24/2009	EXAMINER	
GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			WERT, JOSHUA P	
ART UNIT	PAPER NUMBER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,163	<b>Applicant(s)</b> YOKOYAMA, YUICHI
	<b>Examiner</b> JOSHUA WERT	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 March 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date 3/27/2006

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiger Woods PGA Tour 2004 (TW04).
3. Regarding claims 1, 3, 4 and 10, TW04 discloses a video game program causing a computer (Xbox) to implement a video game comprising: receiving an operation initiation request from a controller to cause a controller to initiate a dispatch operation (Page 6 of the Manual; "start swing", the player initiates the request to dispatch the ball by pushing down or back on the left or right thumb stick); an operation display function to display the dispatch operation when the first request has been received (Page 9 of the manual; "game screen", see also the cited youtube.com video; when the initiation request is received from the controller, the display shows the player characters club move to the back swing and prepare for the dispatching of the ball); a second request from the controller to dispatch the object (Page 6 of the manual; "follow through swing", the player dispatches the ball by pressing forward or up on the left or right thumb stick to follow through and hit the ball causing it to be dispatched); a moving object control to control the movement of the object according to the timing at which the second request was received (actual game play; The timing of the back swing and follow through effects

how well the character hits the ball); and a moving object display function for displaying the object controlled by the object control function on the monitor (see cited youtube.com video, ball flying in air).

4. Regarding claim 2, TW04 also discloses a receiving a destination and trajectory from the controller before the initiation request is received (See page 6 of the manual; "pre-swing controls, also see the beginning of the cited youtube.com video where the player selects where they desire the ball to be projected at landing before the backswing is initiated for the shot).

5. Regarding claims 5, 6, TW04 discloses a first timing display indicator that shows the timing at which the object is to be dispatched (see the cited youtube.com video; the speed and distance at which the backswing is displayed shows the initial timing of the swing).

6. Regarding claim 7, TW04 discloses a second timing display with an image displaying favorable or unfavorable results from the moving objects dispatch (See the cited youtube.com video; when the player makes contact with the ball there are different images and displays which show the favorable or unfavorable result of the shot based on the timing of the follow through swing. In the cited video, the shot was perfect and therefore a ring of fire is displayed under the tee and the screen goes to a colleague displaying the favorable result. In less favorable situations the immediate post shot display differs based on the shot timing).

7. Regarding claim 8, TW04 discloses the speed of the moving object being determined by the timing of and between the initiation and dispatch requests (actual

game play; The overall distance and velocity of the ball are determined based on the timing of the back swing and follow through swing).

8. Regarding claim 9, TW04 discloses a video game device (Xbox) and video game program causing the device comprising a screen (monitor, page 9 of the manual) and controller (see page 4 of the user manual) to implement a video game comprising: receiving an operation initiation request from a controller to cause a controller to initiate a dispatch operation (Page 6 of the Manual; "start swing", the player initiates the request to dispatch the ball by pushing down or back on the left or right thumb stick); an operation display function to display the dispatch operation when the first request has been received (Page 9 of the manual; "game screen", see also the cited youtube.com video; when the initiation request is received from the controller, the display shows the player characters club move to the back swing and prepare for the dispatching of the ball); a second request from the controller to dispatch the object (Page 6 of the manual; "follow through swing", the player dispatches the ball by pressing forward or up on the left or right thumb stick to follow through and hit the ball causing it to be dispatched); a moving object control to control the movement of the object according to the timing at which the second request was received (actual game play; The timing of the back swing and follow through effects how well the character hits the ball); and a moving object display function for displaying the object controlled by the object control function on the monitor (see cited youtube.com video, ball flying in air).

Applicant invokes 35 USC 112 6<sup>th</sup> paragraph "means-plus-function" for all of the means recited in the independent claim 9.

***Conclusion***

**\*\*\*EXAMINER'S NOTE\*\*\***

The prior art used in the rejection is the actual Tiger Woods PGA Tour 2004 game. The examiner has provided references from the corresponding game manual as well as third-party video's demonstrating specific features of the game. These references are not meant to show all of the functionality of the game but are merely meant to show the applicant examples of the functionality that are relevant to the claims. Some of the claimed functions are not easily demonstrated in video, such as exactly how the timing of the swing affects the outcome of the balls flight, but are present in the game. Therefore the examiner suggests that applicant review the game itself to fully understand the scope of the functionality present in the game relating to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA WERT whose telephone number is (571)270-1894. The examiner can normally be reached on Monday - Thursday 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/21/2009  
/J. W./  
Examiner, Art Unit 3714

/Corbett Coburn/  
Primary Examiner  
AU 3714